

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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KATHLEEN MITCHELL,	:	
	:	
Plaintiff,	:	Case No. 21-cv-1570 (KPF)
	:	
v.	:	<b>DEFENDANTS' NOTICE OF</b>
	:	<b>PARTIAL MOTION TO DISMISS</b>
CEROS, INC., JENNIFER SCHWALB, and	:	<b>THE AMENDED COMPLAINT</b>
MELISSA WYGANT,	:	
	:	
Defendants.	:	
	:	
-----X	:	

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Brian G. Gershengorn, dated July 12, 2021, and the exhibit annexed thereto, the Memorandum of Law in Support of Defendants' Partial Motion to Dismiss, dated July 12, 2021, and upon all the papers and proceedings previously had herein, Defendants Ceros, Inc., Jennifer Schwalb, and Melissa Wygant's (collectively "Defendants") will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, 10007, before the Honorable Katherine Polk Failla, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing Plaintiff's first, third, and fifth claims for relief and all claims against the individually-named defendants on the grounds that the Amended Complaint fails to state a cause of action.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Judge Failla's Order, dated June 11, 2021, Plaintiff shall serve and file any opposing affidavits and answering memoranda by August 11, 2021, and Defendants shall serve and file any reply affidavits and memoranda of law by August 25, 2021.

Dated: July 12, 2021  
New York, New York

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By: /s/ Brian Gershengorn  
Brian J. Gershengorn